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66455-255-7



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inter Application of:) PATENT
)
Bruce MCGARIAN et al.) GROUP: 3672
)
Serial No.: 10/530,486) EXAMINER: ANDREWS, D. L.
)
Filed: June 2, 2005) CUSTOMER NO.: 25269
)
APPARATUS AND METHOD FOR) CONFIRMATION NO.: 5343
OPENING AND CLOSING LATERAL
BOREHOLES

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 19, 2007

Sir:

The applicants have received the examiner's Office Action of September 19, 2007 and have reviewed his new prior art rejections. They believe these rejections are incorrect and offer the following comments.

First of all, they thank the examiner for his allowance of claims 45 and 46 and his indication of allowable subject matter in claims 40, 43 and 44.

The examiner has otherwise rejected claims 33-39, 41 and 42 under 35 U.S.C. 102(b) as being anticipated by Gano (newly relied upon). However, this rejection is not reasonable.

Gano discloses a method and apparatus for providing selective access to a main well or a lateral well extending from a main well. In the

invention, a window is provided which, when aligned with the main bore, allows a tool to pass straight through into the main bore. A sleeve can be moved so as to overlie the window, thereby preventing a tool from passing straight through and instead diverting the tool into the secondary bore. This system has the disadvantage, however, that the arrangement must firstly be manipulated into the side secondary wellbore in order to operate - this is presumably the job served by the member 128 shown on the end of the assembly. This is, then, in contrast with the system as defined in claim 33 which recites that, when the deflecting surface is located adjacent and facing towards the body opening, the downhole equipment is laterally deflected by the deflecting surface and is directed through the body opening, and can then be oriented in the closed position in which it prevents downhole equipment being so laterally deflected. In Gano, the sleeve must be classed as a deflecting surface, since it is this which operates to cause the tool to move into the sidewell, and when the sleeve is located adjacently opening, the tool is not deflected through the body opening but instead is prevented from passing therethrough and hence moves down the main body of the tool. Only when it is removed from alignment with the body opening is the tool able to pass through the window and proceed down the main bore. Clearly, then, this is completely contrary to what is recited in claim 33.

In the system defined in claim 33, the tool operates to divert a tool from the main wellbore into the side bore when inserted into the main bore, whereas the prior art system requires insertion at least partially into the side bore in order to direct a tool thereinto. This clearly will, therefore, be a more difficult installation. For these reasons, it is contended that claim 33 is both novel and unobvious over Gano.

The examiner's prior art rejection based on Gano should be withdrawn.

The examiner has rejected claim 47 under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. in view of LaGrange. The examiner contends that LaGrange teaches that the region of the bore downhole from the ramp has a larger diameter than the bore through the ramp. Accordingly, when this is combined with Hayes et al., what is taught is a bore which has a larger diameter upstream and downstream with a smaller diameter through the ramp. However, this is not what is claimed in claim 47. Instead, the claim specifies that a portion of the bore located uphole of the ramp has a larger diameter than the remainder of the bore, and that said remainder portion of the bore is located both uphole and downhole of said portion of the bore. What this means is that the bore extends beyond the larger diameter portion, both uphole and downhole, with a reduced diameter portion. Again, this is exactly opposite what is taught by a combination of Hayes et al. and LaGrange.

The examiner's prior rejection against 47 should be withdrawn.

Favorable reevaluation is requested.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:


Richard H. Tushin

Registration No. 27,297

Franklin Square, Third Floor West
1300 I Street, N.W.

Washington, DC 20005-3353
(202) 906-8680